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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,605	08/19/2003	Cindy Dawson Simmons	3646-4	2840
23117	7590	11/17/2005		
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER HANSEN, JAMES ORVILLE	
			ART UNIT	PAPER NUMBER

3637

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/642,605	Applicant(s) SIMMONS, CINDY DAWSON	
	Examiner James O. Hansen	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11 & 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams [U.S. Patent No. 2,962,156]. Adams (figures 1-4) teaches of a jewelry display assembly (fig. 1) comprising: a pair of sidewalls (19) disposed spaced from each other in facing relation; at least one jewelry bar (15) fixed to and extending between the sidewalls; and a supporting axle (11) extending through a center of each of the sidewalls, wherein the sidewalls and at least one jewelry bar are rotatable relative to the supporting axle (fig. 3). The assembly further comprising a plurality of jewelry bars (15's) fixed to and extending between the sidewalls, wherein the plurality of jewelry bars are evenly spaced about each periphery of the sidewalls (note fig. 3), wherein the at least one jewelry bar comprises means for supporting (12, 14, 16 for example) at least one piece of jewelry (13), wherein the supporting means comprises a plurality of apertures (viewed as (12) so far as broadly recited) that are capable of receiving earring posts. The assembly further comprising a handle assembly (11a & 22) secured to one of the sidewalls and over the supporting axle, the handle assembly effecting manual rotation of the axle. As to claims 7-11 & 16-19, Adams teaches applicant's inventive claimed features as disclosed above, including a cabinet (5) having at least a bottom, sides and a top; and a plurality of jewelry supporting components (dividers forming compartments 8,9 and member 10 as disclosed above),

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wherein the components comprise a ring support (see fig. 3) including at least two adjacent flexible strip pads (16) defining a flexible slot (12), wherein the ring support may comprise three pads and two slots, wherein the strip pads are stepped in height to provide a stepped ring display (viewed as being “stepped” depending upon the position of the drum with respect to a horizontal surface i.e., the height of three adjacent pads would be different relative to the supporting surface (note fig. 3) forming a “stepped” appearance. As to claim 11, the components comprise a “ring tower” (viewed as 10) including at least one post (11a) that is capable of receiving a ring so far as broadly recited.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-11 & 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams [Des. 305,479] in view of Adams. Williams (figures 1-6) teaches of a jewelry display case comprising a cabinet having at least a bottom, sides, top, a plurality of jewelry supporting components (drawers, shelf, hooks), glass doors and a lock for securing the doors (all depicted in figures 2-3). Williams teaches applicant's inventive claimed display case substantially; but does not show a jewelry supporting component as including a supporting axle between two sidewalls with a jewelry bar. Adams is cited as an evidence reference to show that it was known to incorporate a rotatable display drum (10) within a jewelry case for the purpose of holding jewelry

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items and to permit easy removal and replacement of the items. Accordingly, the position is put forth that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the case of Williams so as to incorporate a rotatable display drum as taught by Adams because this arrangement would permit a user of Williams case to easily retain a large quantity of rings or like items, to display these articles and to be selected to the user's greater advantage [col. 1] due to the rotational abilities of the jewelry supporting drum [a large quantity of jewelry can be readily accessed and displayed within a limited area].

Allowable Subject Matter

5. Claims 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

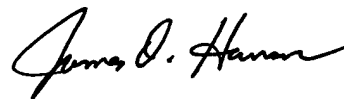
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Melcher, Edwards, Mackey, Jr., Maule, and Sicina describe cases with rotatable structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James O. Hansen
Primary Examiner
Art Unit 3637

JOH
November 10, 2005